

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
COLUMBUS DIVISION

KEVIN BEARY, SHERIFF OF ORANGE  
COUNTY, FLORIDA, IN HIS OFFICIAL  
CAPACITY, INDIVIDUALLY, AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED,

PLAINTIFF,

V.

NATIONWIDE LIFE INSURANCE CO.,  
NATIONWIDE RETIREMENT  
SOLUTIONS, INC., and NATIONWIDE  
FINANCIAL SERVICES, INC.,

DEFENDANTS.



CIVIL ACTION NO. C2 06 967

**NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Notice is hereby given that Kevin Beary, Sheriff of Orange County, Florida, in his official capacity, individually and on behalf of all others similarly situated, Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Court's Opinion and Order of September 17, 2007 granting Defendant's Motion to Dismiss, the Court's Judgment of September 17, 2007 dismissing this case, and the Court's Opinion and Order of September 15, 2008 denying Plaintiff's Motion to Vacate and for Leave to File Amended Complaint.

Dated this 15th day of October, 2008.

Respectfully submitted,

/s/ Jeffrey C. Engerman

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following persons:

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DATED: October 15, 2008

/s/ Jeffrey C. Engerman  
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